MONTANA LEGISLATIVE HISTORY

BEST COPY AVAILABLE

Chapter 326 19 95

Bill H _____ S 244 Original bill & history ✓ C

H. Committee on Human Sers. & Aging

Hearing Date(s) 3/3 ✓ C

3/10 ✓ C

_____ C

_____ C

Date Out _____ C

S. Committee on Pub. Health, Welfare

Hearing Date(s) 2/6 ✓ C

2/8 ✓ C

_____ C

_____ C

Did this bill originate in an interim committee? ____ Yes ✓ No

Committee _____ Report _____

CHAPTER NO. 326

[SB 244]

AN ACT REQUIRING THE DEPARTMENT OF FAMILY SERVICES TO DEVELOP A STATE POLICY AND PLAN FOR PERMANENT PLACEMENT FOR CHILDREN IN THE CHILD WELFARE SYSTEM; DIRECTING THE DEPARTMENT TO CONDUCT AN INTERIM REVIEW OF ADOPTION LAWS TO FACILITATE IMPLEMENTATION OF THE PERMANENT PLACEMENT POLICY AND PLAN AND TO IMPROVE THE ADOPTION PROCESS; AND REQUIRING A REPORT TO THE 1997 LEGISLATURE.

WHEREAS, the best interests and future well-being of Montana's children and families continue to be paramount considerations in maintaining the health and prosperity of this state; and

WHEREAS, according to data supplied by the Department of Family Services' foster care payment system, over 500 identified children have been in continuous out-of-home placement for 2 years or longer; and

WHEREAS, it is in the interests of the Legislature and the people of the state of Montana that all children in custody of the Department of Family Services have a lifelong family connection, either by a safe and productive return to their birth family or, if that is not possible, by finding those children a permanent home; and

WHEREAS, the Joint Oversight Committee on Children and Families has recommended development of a state policy and plan for permanent placement for children in the state's child welfare system; and

WHEREAS, Montana's Uniform Adoption Act, as enacted in 1957 and revised periodically, may again be in need of amendment or further revision to address the problem of permanent placement of Montana's children.

Be it enacted by the Legislature of the State of Montana:

Section 1. Development of state permanent placement policy and plan. The department shall develop a state permanent placement policy and plan for children in the state's child welfare system. The state plan must include, at a minimum:

(1) a plan that includes locating a permanent home for any child that has been in foster care for more than 1 year;

(2) the number of children impacted by the plan;

(3) identification of priorities in placement alternatives;

(4) identification of various strategies for improvement of the child welfare system and of an action plan to implement these strategies;

(5) interim findings and identification of barriers to permanent placement of children and recommendations to reduce or eliminate those barriers; and

(6) steps taken by the department to sustain systemic change in placement of children in out-of-home care.

Section 2. Interim review of adoption law. (1) As part of the implementation of a state permanent placement policy and plan for children as required under [section 1], the department shall conduct a study of Montana adoption laws and policy. The study must include but is not limited to a review of Montana's current adoption laws and the Uniform Adoption Act of 1994 adopted by the national conference of commissioners on uniform state laws. The department shall facilitate the study through appointment of a volunteer advisory committee composed of persons representing groups or associations interested in the various aspects of policies pertaining to permanent placement of children and to adoption. The department may provide staff, facilities, and related expertise in conducting the study. The advisory committee shall:

(a) review the provisions of Montana's current adoption laws and the Uniform Adoption Act of 1994;

(b) identify areas of Montana adoption law that may need amendment, revision, or restructuring in order to implement the policy and plan for permanent placement of children developed under [section 1];

(c) identify any other aspects of Montana adoption law in which revision, amendment, or replacement would facilitate or improve the adoption process;

(d) coordinate with the Montana supreme court regarding the permanent placement study and the court's federal court improvement grant; and

(e) report any recommendations or suggestions to the department for subsequent report to the legislature.

(2) Upon receipt of any committee recommendations or suggestions, the department shall submit the findings, along with any related department suggestions and recommendations, as part of the permanent placement report required under [section 3].

Section 3. Report to legislature — recommendations. The department shall report to the 1997 legislature, by September 1, 1996, on the state permanent placement policy and plan required under [section 1]. The report must include:

(1) interim findings, recommendations, or suggestions to enhance implementation and a description of any related changes made to present policy in order to implement the state policy and plan; and

(2) the results of the interim review of adoption law conducted under [section 2] and any suggestions or recommendations for amendment or revision that would enhance or improve the adoption process or that would facilitate implementation of the permanent placement policy and plan developed under [section 1].

Section 4. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 52, chapter 2, part 1, and the provisions of Title 52, chapter 2, part 1, apply to [section 1].

Approved April 4, 1995

2/15	REFERRED TO BUSINESS & LABOR		
3/03	HEARING		
3/07	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/24	2ND READING CONCURRED	82	17
3/25	3RD READING CONCURRED	79	19
	RETURNED TO SENATE WITH AMENDMENTS		
3/30	2ND READING AMENDMENTS CONCURRED	50	0
3/31	3RD READING AMENDMENTS CONCURRED	48	0
4/04	SIGNED BY PRESIDENT		
4/05	SIGNED BY SPEAKER		
4/06	TRANSMITTED TO GOVERNOR		
4/11	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 353		
	EFFECTIVE DATE: 04/11/95		

SB 243 INTRODUCED BY WILSON, ET AL.

REPLACE THE SKIER RESPONSIBILITY CODE REQUIRED BY LAW TO BE POSTED BY A SKI AREA OPERATOR WITH THE UPDATED VERSION OF THE CODE

1/25	INTRODUCED		
1/25	FIRST READING		
1/25	REFERRED TO BUSINESS & INDUSTRY		
2/09	HEARING		
2/09	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/10	2ND READING PASSED	49	0
2/11	3RD READING PASSED	49	0
	TRANSMITTED TO HOUSE		
2/11	FIRST READING		
2/15	REFERRED TO BUSINESS & LABOR		
3/02	HEARING		
3/04	COMMITTEE REPORT—BILL CONCURRED		
3/06	2ND READING CONCURRED	91	7
3/07	3RD READING CONCURRED	94	6
	RETURNED TO SENATE		
3/09	SIGNED BY PRESIDENT		
3/11	SIGNED BY SPEAKER		
3/13	TRANSMITTED TO GOVERNOR		
3/14	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 140		
	EFFECTIVE DATE: 10/01/95		

SB 244 INTRODUCED BY WATERMAN, ET AL.

REQUIRE DEPARTMENT OF FAMILY SERVICES TO DEVELOP A STATE POLICY AND PLAN FOR PERMANENT PLACEMENT FOR CHILDREN IN THE CHILD WELFARE SYSTEM

1/25	INTRODUCED		
1/25	FIRST READING		
1/25	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
1/26	FISCAL NOTE REQUESTED		
2/01	FISCAL NOTE RECEIVED		
2/02	FISCAL NOTE PRINTED		
2/06	HEARING		
2/08	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/09	2ND READING PASSED	48	0
2/10	3RD READING PASSED	49	0
	TRANSMITTED TO HOUSE		
2/13	FIRST READING		
2/15	REFERRED TO HUMAN SERVICES & AGING		

3/03	HEARING		
3/22	COMMITTEE REPORT—BILL CONCURRED		
3/28	2ND READING CONCURRED	96	0
3/29	3RD READING CONCURRED	98	2
	RETURNED TO SENATE		
3/30	SIGNED BY PRESIDENT		
3/31	SIGNED BY SPEAKER		
4/03	TRANSMITTED TO GOVERNOR		
4/04	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 326		
	EFFECTIVE DATE: 10/01/95		

SB 245 INTRODUCED BY JENKINS

REVISE THE MAXIMUM ALLOWABLE WEIGHT ON AXLES EQUIPPED WITH SINGLE TIRES OR WITH WIDE-BASE TIRES

BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

1/25	INTRODUCED		
1/25	FIRST READING		
1/25	REFERRED TO HIGHWAYS & TRANSPORTATION		
1/26	FISCAL NOTE REQUESTED		
1/27	FISCAL NOTE RECEIVED		
1/27	FISCAL NOTE PRINTED		
2/09	HEARING		
2/15	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/16	2ND READING PASSED	50	0
2/17	3RD READING PASSED	49	0
	TRANSMITTED TO HOUSE		
2/20	FIRST READING		
2/20	REFERRED TO HIGHWAYS & TRANSPORTATION		
3/06	HEARING		
3/10	COMMITTEE REPORT—BILL CONCURRED		
3/11	2ND READING CONCURRED	83	9
3/14	3RD READING CONCURRED	88	11
	RETURNED TO SENATE		
3/16	SIGNED BY PRESIDENT		
3/18	SIGNED BY SPEAKER		
3/20	TRANSMITTED TO GOVERNOR		
3/24	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 236		
	EFFECTIVE DATE: 03/24/95		

SB 246 INTRODUCED BY WELDON

PROVIDE FOR ISSUANCE OF AN ADMINISTRATIVE WARRANT DIRECTING A PAWNBROKER TO HOLD PROPERTY FOR 30 DAYS

1/25	INTRODUCED		
1/25	FIRST READING		
1/25	REFERRED TO BUSINESS & INDUSTRY		
2/03	HEARING		
2/14	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/15	2ND READING PASSED	37	9
2/16	3RD READING PASSED	44	6
	TRANSMITTED TO HOUSE		
2/20	FISCAL NOTE REQUESTED		
2/20	FIRST READING		
2/20	REFERRED TO BUSINESS & LABOR		
3/14	HEARING		
3/16	COMMITTEE REPORT—BILL CONCURRED		

SENATE BILL NO. 244

INTRODUCED BY Waters B Bauchart Cobb. Eck Toews L. Smith Keating

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF FAMILY SERVICES TO DEVELOP A STATE POLICY AND PLAN FOR PERMANENT PLACEMENT FOR CHILDREN IN THE CHILD WELFARE SYSTEM; DIRECTING THE DEPARTMENT TO CONDUCT AN INTERIM REVIEW OF ADOPTION LAWS TO FACILITATE IMPLEMENTATION OF THE PERMANENT PLACEMENT POLICY AND PLAN AND TO IMPROVE THE ADOPTION PROCESS; AND REQUIRING A REPORT TO THE 1997 LEGISLATURE."

WHEREAS, the best interests and future well-being of Montana's children and families continue to be paramount considerations in maintaining the health and prosperity of this state; and

WHEREAS, according to data supplied by the Department of Family Services' foster care payment system, over 500 identified children have been in continuous out-of-home placement for 2 years or longer; and

WHEREAS, it is in the interests of the Legislature and the people of the state of Montana that all children in custody of the Department of Family Services have a lifelong family connection, either by a safe and productive return to their birth family or, if that is not possible, by finding those children a permanent home; and

WHEREAS, the Joint Oversight Committee on Children and Families has recommended development of a state policy and plan for permanent placement for children in the state's child welfare system; and

WHEREAS, Montana's Uniform Adoption Act, as enacted in 1957 and revised periodically, may again be in need of amendment or further revision to address the problem of permanent placement of Montana's children.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Development of state permanent placement policy and plan.** The department shall develop a state permanent placement policy and plan for children in the state's child welfare system. The state plan must include, at a minimum:

(1) a plan that includes locating a permanent home for any child that has been in foster care for

more than 1 year;

(2) the number of children impacted by the plan;

(3) identification of priorities in placement alternatives;

(4) identification of various strategies for improvement of the child welfare system and of an action plan to implement these strategies;

(5) interim findings and identification of barriers to permanent placement of children and recommendations to reduce or eliminate those barriers; and

(6) steps taken by the department to sustain systemic change in placement of children in out-of-home care.

NEW SECTION. **Section 2. Interim review of adoption law.** (1) As part of the implementation of a state permanent placement policy and plan for children as required under [section 1], the department shall conduct a study of Montana adoption laws and policy. The study must include but is not limited to a review of Montana's current adoption laws and the Uniform Adoption Act of 1994 adopted by the national conference of commissioners on uniform state laws. The department shall facilitate the study through appointment of a volunteer advisory committee composed of persons representing groups or associations interested in the various aspects of policies pertaining to permanent placement of children and to adoption. The department may provide staff, facilities, and related expertise in conducting the study. The advisory committee shall:

(a) review the provisions of Montana's current adoption laws and the Uniform Adoption Act of 1994;

(b) identify areas of Montana adoption law that may need amendment, revision, or restructuring in order to implement the policy and plan for permanent placement of children developed under [section 1];

(c) identify any other aspects of Montana adoption law in which revision, amendment, or replacement would facilitate or improve the adoption process;

(d) coordinate with the Montana supreme court regarding the permanent placement study and the court's federal court improvement grant; and

(e) report any recommendations or suggestions to the department for subsequent report to the legislature.

(2) Upon receipt of any committee recommendations or suggestions, the department shall submit

1 the findings, along with any related department suggestions and recommendations, as part of the
2 permanent placement report required under [section 3].
3
4 NEW SECTION. **Section 3. Report to legislature -- recommendations.** The department shall report
5 to the 1997 legislature, by December 1, 1996, on the state permanent placement policy and plan required
6 under [section 1]. The report must include:
7 (1) interim findings, recommendations, or suggestions to enhance implementation and a description
8 of any related changes made to present policy in order to implement the state policy and plan; and
9 (2) the results of the interim review of adoption law conducted under [section 2] and any
10 suggestions or recommendations for amendment or revision that would enhance or improve the adoption
11 process or that would facilitate implementation of the permanent placement policy and plan developed
12 under [section 1].
13
14 NEW SECTION. **Section 4. Codification instruction.** [Section 1] is intended to be codified as an
15 integral part of Title 52, chapter 2, part 1, and the provisions of Title 52, chapter 2, part 1, apply to
16 [section 1].
17 -END-

MINUTES

MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY

Call to Order: By **ACTING CHAIRMAN SHARON ESTRADA**, on February 6, 1995, at 1:02 pm

ROLL CALL

Members Present:
Sen. James H. "Jim" Burnett, Chairman (R)
Sen. Steve Benedict, Vice Chairman (R)
Sen. Larry L. Baer (R)
Sen. Sharon Estrada (R)
Sen. Arnie A. Mohl (R)
Sen. Mike Sprague (R)
Sen. Dorothy Eck (D)
Sen. Eve Franklin (D)
Sen. Terry Klampe (D)

Members Excused: None

Members Absent: None

Staff Present: Susan Fox, Legislative Council
Karolyn Simpson, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing: SB 217, SB 168, SB 244
Executive Action: SB 17, SB 209

{Tape: 1; Side: 1}

HEARING ON SB 217

Opening Statement by Sponsor:

SENATOR STEVE DOHERTY, SD 24, Great Falls, said SB 217 was requested by the Department of Family Services. It strikes some current language that limits the Department from appointing someone who is an employee of the Department from being the Indian Child Welfare Specialist for Montana. It gives the director of the Department more flexibility in hiring someone who has the expertise and knowledge to be the Indian Child Welfare Specialist. Currently, they are limited to hiring someone who works for the Department, but SB 217 gives the flexibility of hiring someone who has expertise, but might not work for the Department.

Proponents' Testimony:

Shirley Brown, Administrator Program Management Division, Department of Family Services spoke briefly from her written testimony in support of SB 217. **EXHIBIT 1.**

Mary Alice Cook, representing Advocate for Montana's Children, spoke briefly in support of SB 217.

Opponents' Testimony: None

Committee Members and Responses:

SENATOR SPRAGUE asked about the requirements for becoming an Indian Child Welfare Specialist.

SENATOR DOHERTY said the main requirement is experience in the social work field or legal capacity and understanding the Montana tribes. He said the administrator is the best individual to make the decision because of knowledge of the Indian Child Welfare Act.

SENATOR SPRAGUE said he wants to make sure that there isn't going to be a reverse discrimination situation. Can an Anglo Saxon white be a Indian Child Welfare Specialist?

SENATOR DOHERTY replied, he didn't think that would be a problem. As an Irish Catholic from Great Falls, he does a lot of work in that area, and thinks he would qualify. He said he does not see this as a requirement that the individual be a tribal member.

SENATOR SPRAGUE asked if the individual needed to be an attorney.

SENATOR DOHERTY said that was not the case. There are social workers who have worked in the area for a long time and would qualify.

Closing by Sponsor:

SENATOR DOHERTY offered no additional remarks in closing.

HEARING ON SB 244

Opening Statement by Sponsor:

SENATOR WATERMAN, SD 26, Helena, said SB 244 addresses an issue of concern. There are more than 500 children who have been in the custody of the Department of Family Services foster care for more than two years. The Joint Oversight Committee on Children and Families suggested the development of a state policy that, within one year, children in custody of DFS have a permanent plan for their care. A grant from the Kellogg Foundation has been received that will allow this to be done without having to increase the state budget to deal with the backlog. SB 244 also directs the

review of the adoption laws in Montana and review the Uniform Adoption Act, adopted in 1994 by the National Conference of Commissioners of Uniform State Law. Montana adoption laws, enacted in 1957, have been changed over the years. In 2 years, a report will be presented of the findings. Children who are in the custody of DFS should have a permanent home, either returned to their natural home, placed in a permanent foster care setting, or in a permanent adoption setting, within one year of placement. There is one technical amendment to change the date deadline of submitting the report.

Proponents' Testimony:

Hank Hudson, Director, Department of Family Services, spoke in support of SB 244. He said that children in the custody of DFS or tribal courts need a permanent loving family. It is not in the best interest of children to be in a temporary situation for a long period of time. There are many children in foster care, who weren't permanently place in a timely manner, which is contrary to the mission purpose of the Department. A strategy to eliminate the pool of children who have been out of a permanent home for a long time, move them into a permanent home and change the policies, laws, and practices so it won't happen again. A plan was submitted to the Kellogg Foundation, and Montana was one of the fortunate states to receive a grant. SB 244 provides additional legislative incentive and direction to spend the next 2 years making necessary changes to place those 500 children in permanent homes.

Gary Walsh, Montana Post Adoption Center, said that the focus in foster care needs to be moving children through foster care faster into permanent homes, and change the system so fewer children get into the system. He said there needs to be a system of more support services to birth parents and adoptive parents, and a coordinated assessment process, and reduce the number of workers assigned to each child and family.

Mary Alice Cook, representing Advocates for Montana's Children, spoke briefly in support of SB 244.

Laurie Koutnik, Christian Coalition of Montana, spoke briefly in support of SB 244. She said this is tax relief for the taxpayers to private sector funding for this project to meet the needs of children needing permanent placement.

Opponents' Testimony: None

Questions From Committee Members and Responses:

SENATOR FRANKLIN asked if the Kellogg foundation grant is secured funding, about some previous legislation that is similar, and the reasons why this legislation is needed.

Hank Hudson replied that it is. He said he doesn't remember that particular legislation. There is a question why children are in foster care for so long. Past directives to the Department for permanent placements have a clear plan on the meaning and how it's going to be done. The focus is on permanent placements, but that has not happened. He said there needs to be a more specific approach. There have been meetings throughout the state and ideas have been gathered about the problems of foster care and what are the barriers to permanent placements. The ideas gathered, are being used to change the system.

SENATOR SPRAGUE asked about the $1.6 million grant from the Kellogg Foundation to start the program. He asked if the program will be subject to sunset in 1997, then more funds will have to be appropriated for the program.

Hank Hudson replied that the money will be gone by 1997, with the results of that money being there. The Department intends to design a solution based on current funds available.

Closing by Sponsor:

SENATOR WATERMAN said the desire is for the system to change and make it state policy that children will not be in foster care for more than one year. She said the Kellogg grant will allow the backlog of 500 children, currently in the system, to be addressed and help get the revised system in place, at which time there should be a reduction in cost because there won't be as many children in DFS custody. She referred to the Family Policy Act, which was a broad statement about the mission of DFS. SB 244 zeros in on a very specific problem and makes a very specific recommendation for change in policy. She said that it is hoped that by 1997, there will be less children in foster care and, in the future, children will not be bounced around so much.

HEARING ON SB 168

Opening Statement by Sponsor:

SENATOR CHRIS CHRISTIAENS, SD 23, Cascade County, said that SB 168 is asking for a community services screener in mental health commitment proceedings. He referred to SB 168, community services screener, meaning a professional person designated by the Department to determine whether community-based services can adequately serve an individual. There would be some cost for local government, but will probably be minimal. He referred to the fiscal notes, the effect on county or other local revenues or expenditures.

Proponents' Testimony:

Dan Anderson, Administrator, Mental Health Division, Department of Corrections and Human Services, read his written testimony in support of SB 168. **EXHIBIT 2.**

MONTANA SENATE
1995 LEGISLATURE
PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

ROLL CALL DATE 2/6/95

NAME	PRESENT	ABSENT	EXCUSED
LARRY BAER	X		
SHARON ESTRADA	X		
ARNIE MOHL	X		
MIKE SPRAUGE	X		
DOROTHY ECK	X		
EVE FRANKLIN	X		
TERRY KLAMPE	X		
STEVE BENEDICT, VICE CHAIRMAN	X		
JIM BURNETT, CHAIRMAN	X		

SEN:1995
wp.rollcall.man
CS-09

DATE 2/6/95

SENATE COMMITTEE ON Public Health

BILLS BEING HEARD TODAY: SB 217, 168, 244

< ■ > PLEASE PRINT < ■ >

Name	Representing	Bill No.	Check One: Support	Check One: Oppose
Mary Alice Cook	Adv for MT's Children	217 244	✓ ✓	
Kim Kradolfer	Adoptive Parent	244	✓	
Ann Gilkey	DFS	244 217	X	
Betsy Stimatz	DFS	244 217	X	
Gary Walsh	MT Post Adopt	244	X	
Allyn Ann Cummings	MT Post Adopt	244	X	
Shirley Brown	DFS	217 244	X	
Adrie Larose	Montana Advocacy Prog	168 244	✓	
David Hennion	MT Mental Health Assn	168	✓	
Ron Green	Jeff Sturm	168	X	
Hank Hudson	DFS	244	X	
Laurie Koutnik	Christian Coalition of MT	244	X	
Kathy McGowan	MCMHC	168	✓	
Dan Anderson	MH Division	168	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETAR

REGISTER.F10

MINUTES

MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY

Call to Order: By **ACTING CHAIRMAN LARRY BAER**, on February 8, 1995, at 12:35 PM

ROLL CALL

Members Present:
Sen. James H. "Jim" Burnett, Chairman (R)
Sen. Steve Benedict, Vice Chairman (R)
Sen. Larry L. Baer (R)
Sen. Sharon Estrada (R)
Sen. Arnie A. Mohl (R)
Sen. Mike Sprague (R)
Sen. Dorothy Eck (D)
Sen. Eve Franklin (D)
Sen. Terry Klampe (D)

Members Excused: None

Members Absent: None

Staff Present: Susan Fox, Legislative Council
Karolyn Simpson, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing: SB 134, SB 270, SB 271
Executive Action: SB 217, SB 168, SB 244, SB 134, SB 270, SB 271

{Tape: 1; Side: 1}

HEARING ON SB 134

Opening Statement by Sponsor:

SENATOR TERRY KLAMPE, SD 31, Florence, said that SB 134 is health care reform that is doable now, but will have a sizeable impact on individual's checkbooks. SB 134 sends a message to health care providers: be honest. SB 134 is an act requiring the health care provider or medical practitioner to inform the patient of their financial interest in a service to which a patient is being referred for treatment, diagnosis, or prescription. He referred to the amendments, Health care referral services. **EXHIBIT 1.**

EXECUTIVE ACTION ON SB 217

Motion/Vote: **SENATOR BENEDICT moved SB 217 DO PASS. The motion CARRIED UNANIMOUSLY.**

EXECUTIVE ACTION ON SB 168

Motion: **SENATOR KLAMPE moved SB 168 DO PASS.**

Discussion: **SENATOR MOHL** said he has heard from his constituents, and they don't need a screener, the professional people can handle it. He will vote against the bill.

SENATOR FRANKLIN said she thinks it's important for community health access, but doesn't want law to create another layer of bureaucracy. She will vote against the bill.

Vote: **The Do Pass motion for SB 168 FAILED with Senators Eck and Klampe voting YES.**

Motion/Vote: **SENATOR BURNETT made a substitute motion to TABLE SB 168. The TABLE motion for SB 168 CARRIED with Senators Franklin and Klampe voting NO.**

EXECUTIVE ACTION ON SB 244

Susan Fox explained the amendments.

Motion/Vote: **SENATOR KLAMPE moved the AMENDMENTS TO SB 244 DO PASS. The motion CARRIED UNANIMOUSLY.**

Motion/Vote: **SENATOR MOHL moved SB 244 DO PASS AS AMENDED. The motion CARRIED UNANIMOUSLY.**

EXECUTIVE ACTION ON SB 134

Discussion: **SENATOR BAER** asked **SENATOR KLAMPE** if he supports the amendments to SB 134. **SENATOR KLAMPE** said he did support the amendments.

Motion/Vote: **SENATOR ESTRADA moved the AMENDMENTS TO SB 134 DO PASS. The motion CARRIED UNANIMOUSLY.**

Motion/Vote: **SENATOR MOHL moved SB 134 DO PASS AS AMENDED. The motion CARRIED UNANIMOUSLY.**

SENATE STANDING COMMITTEE REPORT

February 8, 1995

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration SB 244 (first reading copy -- white), respectfully report that SB 244 be amended as follows and as so amended do pass.

Signed: Jim Burnett
Senator Jim Burnett, Chair

That such amendments read:

1. Page 3, line 5.
Strike: "December"
Insert: "September"

-END-

DV Amd. Coord.
SA Sec. of Senate

331616SC.SPV

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HUMAN SERVICES & AGING

Call to Order: By **CHAIRMAN DUANE GRIMES**, on March 3, 1995, at 3:00 p.m.

ROLL CALL

Members Present:
Rep. Duane Grimes, Chairman (R)
Rep. John C. Bohlinger, Vice Chairman (Majority) (R)
Rep. Carolyn M. Squires, Vice Chairman (Minority) (D)
Rep. Chris Ahner (R)
Rep. Ellen Bergman (R)
Rep. Bill Carey (D)
Rep. Dick Green (R)
Rep. Antoinette R. Hagener (D)
Rep. Deb Kottel (D)
Rep. Bonnie Martinez (R)
Rep. Brad Molnar (R)
Rep. Liz Smith (R)
Rep. Susan L. Smith (R)
Rep. Loren L. Soft (R)

Members Excused: Rep. Bruce T. Simon (R)

Members Absent: Rep. Kenneth Wennemar (D)

Staff Present: David Niss, Legislative Council
Jacki Sherman, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing: SB 244, SB 270
Executive Action: SB 150 BE CONCURRED IN AS AMENDED
SB 217 BE CONCURRED IN
SB 271 POSTPONED
SB 270 BE CONCURRED IN
SB 40 BE CONCURRED IN
SB 84 BE CONCURRED IN

{Tape: 1; Side: A; Approx. Counter: 0; Comments: None.}

REP. KOTTEL summarized the bill's strong point of making a balance between the parties involved through the use of a confidential intermediary. This would protect either party if they should choose to remain unknown. The bill would provide a compromise between the birth mother's rights and the rights of the child.

REP. BOHLINGER affirmed the benefit of the child's need to know of any significant medical history.

REP. BILL CAREY supported the bill.

CHAIRMAN GRIMES added that this bill would help siblings in orphanages to find each other.

Vote: Voice vote was taken. The motion carried 12-3 with REPS. GREEN, MOLNAR and L. SMITH voting no. REP. BRUCE SIMON voted by proxy.

{Tape: 1; Side: A; Approx. Counter: 475; Comments: NA.}

HEARING ON SB 244

Opening Statement by Sponsor:

SEN. MIGNON WATERMAN, SD 26, Helena, stated that this bill would require the Department of Family Services (DFS) to develop a plan to find a home for the children under the custody of DFS within one year of entering the program. It will require the clarification of guidelines in the way children are placed in out of home care settings. The DFS will be required to report back to the next legislative session. The bill asks that an advisory study be developed to review adoption laws currently in the state of Montana, focusing on uniformity between states and whether that is what Montana wants. The interim committee on children and families along with the "Family for Kids" program under a grant of $1.8 million from the Kellogg Foundation have studied the issues of prompt placements and the backlog for children who have been in DFS for two years.

Proponents' Testimony:

Hank Hudson, Director of DFS, stated that the bill was developed in conjunction with the work of the DFS for the past two years, working with the Kellogg Foundation to review policies and establishing accountability of being open to the scrutiny of the public. He explained the misconceptions of the public who believe that there are many unwanted babies and many people who want to adopt them. He said that the majority of the children under the care of DFS are emotionally disturbed teenagers, and those children are more of a challenge to place.

Laurie Koutnik, Executive Director of Christian Coalition of Montana, stated the need for permanency of placements, and that children need the love and support of a stable home.

Mary Alice Cook, Advocates for Montana's Children, supports the bill.

Bob Torres, National Association of Social Workers, agrees with the coming together of all parties involved in adoption to try and work on the issues confronting the process.

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses:

REP. LOREN SOFT asked **Mr. Hudson** how long the DFS had been aware of the backlog. He replied that they did not have a way of obtaining that information and the Kellogg grant would provide the opportunity to monitor the placements.

Tape 1 - Side B

REP. SOFT asked **Mr. Hudson** what permanency plans have been in place prior to this year. He replied that there is a plan for every child who enters the system and those plans aren't focused enough on permanency, and some are not placed because they are undergoing mental treatments or the parents have not given up their rights. Some families are being worked with so they can keep their birth children and possibly try a kinship care program where another family member may take custody of the child.

REP. SOFT followed up by asking for a profile of the 500 youth in the DFS right now. **Mr. Hudson** replied that they are school-aged children who have or are receiving mental health treatment, and have been abused and or neglected.

REP. SOFT then inquired what additional staff would be needed to develop the plan and **Mr. Hudson** answered that seven full-time staff would be funded by the Kellogg grant to address the needs of the children in care over two years and to engage in a systems reform of the parties involved. One issue is whether to expedite the termination of parental rights and loosen the laws around adoption to speed up the process.

REP. SOFT asked what number of children in the system are multiple placement children and what is the average placement. **Mr. Hudson** did not have the information with him, but noted that multiple placements were a barrier in permanent care placements and these children were extremely difficult to place.

REP. SOFT asked what the plan was for difficult placements. **Mr. Hudson** explained that decisiveness was needed and then focus should be on the recruitment of adoptive parents and providing training and support to make the adoption work.

CHAIRMAN GRIMES asked **Mr. Hudson** if the bill would meet the requirements of the proposal to Kellogg and he replied that the DFS would work closely with the legislators to ensure that.

CHAIRMAN GRIMES inquired if the bill set up an interim committee and the answer was no, and they did not need legislative authority.

REP. JOHN BOHLINGER questioned why Kellogg would put out large sums of money to place difficult children without guarantees of success. **Mr. Hudson** stated that they appealed to people who are willing to take a challenge, the same characteristic of people that calls them to become foster parents, and supported them in their undertaking.

REP. BOHLINGER asked if there were incentives available to families who took in one of these difficult children. **Mr. Hudson** said they currently have subsidized adoptions through cash and Medicaid cards for the children.

{Tape: 1; Side: B; Approx. Counter: 470; Comments: NA.}

REP. BONNIE MARTINEZ asked if they had a problem keeping foster homes and **Mr. Hudson** answered they do but that could be remedied through better communication and better training in the special needs of complex kids, and they are always recruiting.

REP. MARTINEZ inquired if there was a time limit in one foster home before being moved onto another one. **Mr. Hudson** stated that there was no policy for that.

REP. LIZ SMITH questioned whether the DFS was getting a good response to the recruitment of foster homes and if the Casey program would parallel the efforts of the DFS. **Mr. Hudson** responded yes to both.

REP. SOFT asked how much was the grant from the Kellogg Foundation and the answer was $1.6 million over a three year period and that the seven FTE were done when the grant ran out. Half the money would be used on behalf of the children, getting them out of DFS and providing support and training for the families. The other half would go to a systems change, training, policies, review of laws.

REP. SOFT followed up by asking what the duties of the FTE's would be. **Mr. Hudson** said they were debating that, but they would like more people to take the cases and studies, and then work on changing the systems.

REP. SOFT asked when the grant was effective and **Mr. Hudson** said it was already in effect, and they have already received some money.

REP. BRAD MOLNAR asked if there really was a need for the bill and **Mr. Hudson** replied that they needed clearer direction and more involvement through the legislative process.

REP. MOLNAR asked if the time frame of one or two years for some children with more difficult problems was adequate for the cutting of ties to the family. **Mr. Hudson** stated that the time frame needed would vary from child to child but they needed some guidelines to follow. The focus should be permanency through the eyes of the child. They need to know where they belong and to whom.

REP. MOLNAR asked **Mr. Hudson** if he would have a problem with an amendment to seek public input on foster care issues.

REP. SOFT expressed a desire to see a copy of the budget laid out for the three year plan.

REP. L. SMITH asked for grant statistics by regions.

CHAIRMAN GRIMES asked the sponsor about problems in foster homes with kids less than one year versus to permanent adoption placements. **SEN. WATERMAN** responded that it was pertaining to a permanent home and that when possible the foster home would be temporary until the child could get through enough problems to be able to go back to his original home and this process might take a little longer.

CHAIRMAN GRIMES stated that he would like to see the child placed in a permanent home starting from day one whether it is a foster or adoptive plan. **SEN. WATERMAN** replied that the realistic goal would be to have a permanent plan within one year. Sometimes the analysis of what is going to be best takes a while.

Closing by Sponsor:

SEN. WATERMAN stated that the Kellogg Foundation would like a commitment that the state of Montana is going to stand behind them and help change the system, and strive for a goal of one year. Permanency may be a foster home or adoption. They were one of nine successful applicants out of twenty-three. They have taken on the responsibility of these children and have the obligation to find them a good permanent home.

{Tape: 2; Side: A; Approx. Counter: 245; Comments: NA.}

HEARING ON SB 270

Opening Statement by Sponsor:

SEN. JIM BURNETT, SD 12, Luther, explained that this bill requires the destruction of records of reports of child abuse or

HOUSE OF REPRESENTATIVES

Human Services and Aging

ROLL CALL DATE 3-3-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Duane Grimes, Chairman	✓		
Rep. John Bohlinger, Vice Chairman, Majority	✓		
Rep. Carolyn Squires, Vice Chair, Minority	✓		
Rep. Chris Ahner	✓		
Rep. Ellen Bergman	✓		
Rep. Bill Carey	✓		
Rep. Dick Green	✓		
Rep. Toni Hagener	✓		
Rep. Deb Kottel	✓		
Rep. Bonnie Martinez	✓		
Rep. Brad Molnar	✓		
Rep. Bruce Simon			✓
Rep. Liz Smith	✓		
Rep. Susan Smith	✓		
Rep. Loren Soft	✓		
Rep. Ken Wennemar		✓	

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Human Services & Aging DATE 3-3-95

BILL NO. SB 244 SPONSOR(S) Waterman

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
John Melcher Jr.	PFS		
MARY ALICE COOK	ADV. FOR MTS CHILDREN	✓	
Allyn Ann Cummins	MT Adoption Resource Center Inc	✓	
D. Mark Ricks	LDS Social Ser	✓	
Laurie Koppuk	Christian Coalition	✓	
HANK Hudson	DFS	✓	
Joe Torres	NASW	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HUMAN SERVICES & AGING

Call to Order: By **CHAIRMAN DUANE GRIMES**, on March 20, 1995, at 3:35 p.m.

ROLL CALL

Members Present:
Rep. Duane Grimes, Chairman (R)
Rep. Carolyn M. Squires, Vice Chairman (Minority) (D)
Rep. Chris Ahner (R)
Rep. Ellen Bergman (R)
Rep. Bill Carey (D)
Rep. Dick Green (R)
Rep. Antoinette R. Hagener (D)
Rep. Deb Kottel (D)
Rep. Bonnie Martinez (R)
Rep. Brad Molnar (R)
Rep. Bruce T. Simon (R)
Rep. Liz Smith (R)
Rep. Susan L. Smith (R)
Rep. Loren L. Soft (R)
Rep. Kenneth Wennemar (D)

Members Excused: Rep. John C. Bohlinger, Vice Chairman (R)

Members Absent: None

Staff Present: David Niss, Legislative Council
Patti Borneman, Substitute Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing: SB 416, SB 395, SB 339
Executive Action: SB 17 TABLED
SB 244 DO CONCUR

{Tape: 1; Side: A; Approx. Counter: 000; Comments: n/a.}

HEARING ON SB 416

Opening Statement by Sponsor:

SEN. CHUCK SWYSGOOD said this bill would revise the certificate of need (CON) process. In the Joint Appropriations Subcommittee

CHAIRMAN GRIMES said this was added in the Senate. He suggested changing the word "follow-up" to just counseling or information, because he assumed they meant counseling or information services as a follow-up.

REP. SOFT said the sponsor desired that they not amend the bill.

Vote: **A voice vote was taken. The motion carried 10-6.**

CHAIRMAN GRIMES said they have a do not concur motion and recognized that the question had been called.

Vote: **A roll call vote was taken. The motion failed 8-8. REP. MOLNAR voted no by proxy.**

Motion: **REP. SIMON MOVED TO TABLE SB 17.**

Vote: **A roll call vote was taken. The motion carried 9-7 with REP. GRIMES, BERGMAN, GREEN, MARTINEZ, MOLNAR, SUSAN SMITH, and SOFT voting no. REP. MOLNAR voted by proxy.**

EXECUTIVE ACTION ON SB 244

Motion: **REP. SUSAN SMITH MOVED THAT SB 244 BE CONCURRED IN.**

Discussion:

REP. HAGENER commented that the report date as stated in the fiscal note was too late for inclusion in the Executive Budget so they didn't actually know what the dollar amount was in connection with the bill. She also asked about this being applied primarily to teenagers that are 14, 15 and 16 years old. She wondered what they meant by the word "permanent" when these people could be out of school and not considered youth.

CHAIRMAN GRIMES said he understood that they are considering permanent placement for anyone who has been in the DFS system for over a year regardless of how old they are. He asked **REP. HAGENER** to restate her other question.

REP. HAGENER said she asked about the cost involved and a third question she had in connection with how long the permanence is, she asked if this would force the Department to move rapidly to grant the appropriate placements.

CHAIRMAN GRIMES said the policy would be brought back to the legislature for approval. This bill would allow them to have an interim review and report to the legislature. He said it is a study bill and would be prioritized with the other study bills on the last few days and as a group, they'll choose the ones that are highest on the priority list, and those that are lowest would not be done.

Vote: Voice vote was taken. The motion carried unanimously.

There was some discussion about the tie vote on the do not concur motion for SB 17 and **CHAIRMAN GRIMES** cleared up some confusion on how the vote proceeded. **REP. SIMON** said that no bill can proceed through the process without a positive vote. A tie vote is not a positive vote whether on a do pass or a do not pass. This was the reason for the tabling motion.

{Tape: 3; Side: A; Approx. Counter: 564; Comments: Meeting adjourned.}

HOUSE STANDING COMMITTEE REPORT

March 22, 1995

Mr. Speaker: We, the committee on **Human Services and Aging** report that **Senate Bill 244** (third reading copy -- blue) **be concurred in.**

Signed: _____
Duane Grimes, Chair

Carried by: Rep. Barnhart

Committee Vote:
Yes 16, No 0.

661125SC.Hbk

HOUSE OF REPRESENTATIVES
COMMITTEE PROXY

DATE 3-20-95

I request to be excused from the H.S.&A.

Committee meeting this date because of other commitments. I desire to leave my proxy vote with Carolyn Squires.

Indicate **Bill Number** and your vote **Aye** or **No**. If there are **amendments**, list them **by name and number** under the bill and indicate a **separate vote for each amendment**.

HOUSE BILL/AMENDMENT	AYE	NO
HB 2441	X	
Amendments		

SENATE BILL/AMENDMENT	AYE	NO

Rep. [signature]
(Signature)

HR:1993
WP/PROXY

HOUSE OF REPRESENTATIVES
COMMITTEE PROXY

DATE 3/20/95

I request to be excused from the Health & Human Services Committee meeting this date because of other commitments. I desire to leave my proxy vote with Carolyn Bowers.

Indicate **Bill Number** and your vote **Aye** or **No**. If there are **amendments**, list them **by name and number** under the bill and indicate a **separate vote for each amendment**.

HOUSE BILL/AMENDMENT	AYE	NO
H.B. 244	✓	

SENATE BILL/AMENDMENT	AYE	NO

Rep. Bill Carey
(Signature)

HR:1993
WP/PROXY